

Exhibit D

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1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK

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3 UNITED STATES OF AMERICA,

4 v.

14 CR 68 (KBF)

5 ROSS WILLIAM ULBRICHT,

6 Defendant.

7 -----x

8 New York, N.Y.
9 December 17, 2014
2:00 p.m.

10 Before:

11 HON. KATHERINE B. FORREST,

12 District Judge

13
14 APPEARANCES

15 PREET BHARARA,
16 United States Attorney for the
Southern District of New York

17 SERRIN A. TURNER

18 TIMOTHY HOWARD ✓

Assistant United States Attorney

19 JOSHUA LEWIS DRATEL
20 LINDSAY LEWIS
JOSHUA HOROWITZ
21 Attorneys for Defendant
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1 you to understand that the jury will be given an instruction
2 that they cannot draw any inference or suggestion of guilt from
3 the fact that you do not testify. Do you understand that?

4 THE DEFENDANT: Yes.

5 THE COURT: Now, in terms of plea offers, has there
6 ever been a time when the government has made a plea offer that
7 has been conveyed to you?

8 THE DEFENDANT: Nothing in writing, Your Honor, but
9 there was a verbal offer.

10 THE COURT: All right. Was that just one offer so far
11 as you understood?

12 THE DEFENDANT: Yes.

13 THE COURT: Mr. Dratel, is that your understanding,
14 that there was one oral offer that was made?

15 MR. DRATEL: Correct, Your Honor.

16 THE COURT: Is that consistent with what the
17 government believes has been extended to the defendant?

18 MR. TURNER: Yes. Preindictment, Your Honor.

19 THE COURT: And that was a preindictment plea offer?

20 MR. TURNER: Yes.

21 THE COURT: All right.

22 Mr. Ulbricht, did you turn that offer down?

23 THE DEFENDANT: I suppose by not responding, it was a
24 declining, yes.

25 THE COURT: And I take it that there is no plea offer

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1 that is currently on the table; is that right, Mr. Turner?

2 MR. TURNER: Correct.

3 MR. DRATEL: That's my understanding as well, Your
4 Honor.

5 THE COURT: All right.

6 All right. Thank you.

7 THE DEFENDANT: Your Honor?

8 THE COURT: Yes.

9 THE DEFENDANT: I wonder if I could have just a moment
10 with my lawyer? There was an issue regarding the presentation
11 of evidence that I haven't had a chance to bring it up with
12 them, and it seemed like since we went over that earlier, it
13 would be a good time?

14 THE COURT: Yes.

15 THE DEFENDANT: Just a couple of minutes.

16 THE COURT: I'll give you a couple of minutes and
17 wait.

18 MR. DRATEL: Thank you, Your Honor.

19 (Pause)

20 THE COURT: Mr. Dratel, is there anything further?

21 MR. DRATEL: Just that -- I'll just tell the Court
22 what this is about. It's about the chats, the issue about how
23 the government is going to present them with readers, and what
24 I think what I'd like to do is just get an opportunity to go
25 back, write a letter to the Court about that, just so that